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PATENT
Attorney Docket No. 25734X

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

POPP

Serial No.: 10/791,839

Filing Date: March 4, 2004

For: **ANTIMICROBIAL TOPICAL COMPOSITIONS FOR TREATMENT OF ROSACEA**

TRANSMITTAL LETTER

Commissioner for Patents
Washington, D.C. 20231

Sir:

Submitted herewith for filing in the U.S. Patent and Trademark Office is the following:

- 1) Transmittal Letter;
- 2) Information Disclosure Statement;
- 3) PTO-Form 1449 citing Forty-Nine (49) References.

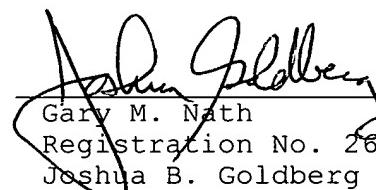
The Commissioner is specifically authorized to charge any required fee deficiency under 37 CFR §§ 1.16 or 1.17, or credit any overpayment, to Deposit Account No. 14-0112 in connection with this matter.

Respectfully submitted,

NATH & ASSOCIATES PLLC

Date: February 10, 2006
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By:


Gary M. Nath
Registration No. 26,965
Joshua B. Goldberg
Registration No. 44,126
Customer No. 20529



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INFORMATION DISCLOSURE STATEMENT

Commissioner of Patents
Washington, D.C. 20231

Sir:

An Information Disclosure Statement is submitted herewith pursuant to 37 C.F.R. § 1.97-1.98. Please note the following particulars:

[NOTE: One only of items a, b, c, and d must be checked.]

- [X] a. The enclosed statement is being filed within three months of the filing date of a national application, or within three months of the date of entry into the national stage as set forth in 37 C.F.R. § 1.491 in an international application, or before the mailing date of a first Office Action on the merits, whichever event occurs last.
- [] b. The enclosed statement is being filed after a first action on the merits but before the mailing date of a final action under 37 C.F.R. § 1.113, or a notice of allowance under 37 C.F.R. § 1.311.
- The enclosed statement is accompanied by [check one]:
[] i. a certification in part (e) below as specified in 37 C.F.R. § 1.97(e), or
[] ii. a check in the amount required by 37 C.F.R. § 1.17(p).
- [] c. The enclosed statement is being filed after the mailing date of a final action under 37 C.F.R. § 1.113, or a notice of allowance under 37 C.F.R. § 1.311, but before payment of the issue fee.
[] Certification report(e) below; and
[] a check in the amount as required by § 1.17(p).
- [] d. The enclosed statement is being filed pursuant to 37 C.F.R. § 1.97(i), for placement in the file.

[] e. Certification [Check one] [Certification is required only if box (b)(i) or box (c) is checked.]

[] I hereby certify that each item of information contained in the enclosed Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement,
or

[] I hereby certify that no item of information in the enclosed Information Disclosure Statement herewith was cited in a communication from a foreign patent office in a counterpart foreign application, or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

or

[] Appropriate certification is attached.

[X] f. If no check is enclosed and a fee is due in connection with this communication or if the check enclosed is insufficient, the Commissioner is specifically authorized to charge any fee or additional fee due in connection with this communication to Deposit Account No. 14-0112.

[] g. Copies of the non-U.S. patent documents are attached herewith with a completed Form PTO-1449.

or

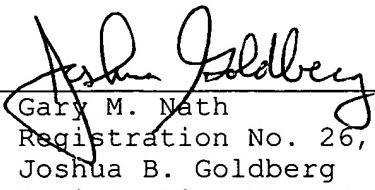
[X] Copies of the documents are not attached as allowed under CFR § 1.98(d)(1)(2). The earlier application is identified as: U.S. Application No. 10/698,431.

The Examiner is respectfully requested to cite the documents listed on the attached Form PTO-1449 in the next Office Action. In so doing, the Examiner is respectfully requested to initial in the space adjacent to the listing of each document on the Form PTO-1449, and return a copy of the initialed Form PTO-1449 with the next communication to Applicants, to confirm that these documents have been considered by the Examiner and made of record in this application.

If the Examiner has any questions or wishes to discuss this application, kindly telephone the undersigned at the below-listed number.

Respectfully submitted,
NATH & ASSOCIATES PLLC

By:


Gary M. Nath
Registration No. 26,965
Joshua B. Goldberg
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FORM PTO-1449

INFORMATION DISCLOSURE CITATION

Atty. Docket 25734X	Serial No. 10/791,839
Applicant POPP	
Filing Date March 4, 2004	Group Art Unit Unknown

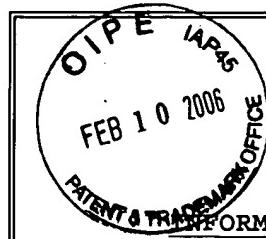
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	0,313,305 A2	04/26/1989	EP			n/a
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Examiner	Date Considered



FORM PTO-1449

TRANSFORMATION DISCLOSURE CITATION

Atty. Docket 25734X	Serial No. 10/791,839
Applicant POPP	
Filing Date March 4, 2004	Group Art Unit Unknown

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Examiner

Date Considered